

APPLICATION GUIDELINES

CHANGE IN BENEFICIAL USE

In accordance with A.R.S. §§ 41-1008 and 41-1079, the Department of Water Resources, Surface Water Rights Unit, provides the following information regarding the application review process to assist applicants with a Change in Beneficial Use.

STEPS FOR PROCESSING YOUR APPLICATION AND OBTAINING APPROVAL

Before filing your application, the Department encourages you to contact Department personnel indicated at the end of these guidelines to discuss the application process and review criteria. If you wish, a meeting may be scheduled to facilitate this process. To assist you in understanding the substantive requirements for this application, a copy of A.R.S. § 45-156(B) is provided for your information.

It is imperative that you complete the application form in its entirety. An incomplete or incorrect application may result in a delay in processing your application. Please send the application to the address indicated on the form along with any supporting documentation. The Department suggests that you retain a copy of all documents which are submitted for review. No fee is required to process this application.

I. Time Frames for Review of Your Application

Within 405 days after receipt of your application, the Department will determine whether your application should be granted or denied unless this time is extended as described below. In processing your application, the Department will first determine whether the application is administratively complete (administrative completeness review) and then whether the application meets the substantive criteria established by statute or rule (substantive review). Each of these reviews will be completed within the times stated below. The time for the administrative completeness review plus the time for the substantive review is referred to as the overall time frame.

A. Administrative Completeness Review Time Frame

Within 30 days after receipt of your application, the Department will determine whether your application is complete and will issue a written notice of administrative completeness or deficiencies. After your application is complete, the Department will proceed with the substantive review.

If the Department sends you a Notice of Deficiency, the Department will include a comprehensive list of specific deficiencies. Until the missing information is received, both the administrative completeness review and the overall time frames will be suspended. When the Department receives the missing information, the administrative completeness review and overall time frames will resume. Your application will not be complete until all of the requested information is received. If you do not supply the missing information within 60 days, the Department may deem your application withdrawn and close the file.

B. Substantive Review Time Frame

Within 375 days after the application is complete, the Department will review your application to determine whether it meets the substantive criteria required by statute or rule. By mutual written agreement between you and the Department, the time for substantive review may be extended by up to 101 days. In cases where a hearing is necessary prior to a decision, the substantive review time frame will be increased by 120 days.

During the substantive review, the Department may make one written request for additional information. You may also agree in writing to allow the Department to submit supplemental requests for additional information. If additional information is requested by the Department, both the substantive review and overall time frames will be suspended. When the additional information is received, the substantive review and overall time frames will resume.

At the end of the Department's substantive review, the Department will send you a written notice either granting or denying your application. If your application is denied, the notice will include the justification for the denial and an explanation of your right to appeal the denial.

AGENCY CONTACT

Please direct any questions, comments, or requests for further assistance to the Surface Water Rights Unit at (602) 771-8500.

ARIZONA REVISED STATUTE § 45-156(B)

§ 45-156 - Legislative Authorization for Appropriation of Water to Generate Power; Change in Use

Except as otherwise prescribed by this section, a change in the use of water appropriated for domestic, municipal, or irrigation uses shall not be made without approval of the director, and if the change contemplates generating hydroelectric energy or power of over twenty-five thousand horsepower, approval shall not be granted unless authorized by an act of the legislature.

ARIZONA DEPARTMENT OF WATER RESOURCES

SURFACE WATER RIGHTS

3550 North Central Avenue
Phoenix, Arizona 85012-2105
Telephone (602) 771-8500
Fax (602) 771-8688

(For office use only)

Registry No: _____

Date Filed: _____

APPLICATION FOR CHANGE IN BENEFICIAL USE

1. Applicant _____ Telephone _____

Address _____ City _____ State _____ Zip _____

2. Type of water source and name _____

a tributary to _____ within the _____ watershed

(For office use only)

3. Circle the beneficial use(s) to be changed and completed. Note that pursuant to A.R.S. § 45-156(B), the director's approval is required to effect a change from domestic, municipal, or irrigation use.

A. Domestic B. Municipal C. Irrigation D. Power E. Stockwatering

F. Recreation G. Wildlife H. Groundwater Recharge I. Mining

_____ existing use and amount to _____ new use and amount

_____ existing use and amount to _____ new use and amount

_____ existing use and amount to _____ new use and amount

4. Location of existing point of water diversion: County _____

Lot _____, _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W
(If applicable)

5. Location of proposed point of water diversion (if different from above): County _____

Lot _____, _____¹/₄ _____¹/₄ _____¹/₄, Section _____, Township _____ N/S, Range _____ E/W
(If applicable)

6. Additional comments or explanations _____

Submit the completed application and any supporting documents to:

Arizona Department of Water Resources, Surface Water Rights, 3550 North Central Avenue, Phoenix, Arizona 85012

Signature of Applicant/Representative
(if representative, include authorization)

Date